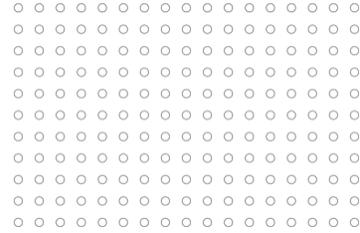


# Statutory Benefits Update



June 18, 2020

**The Colorado Legislature passed Senate Bill SB20-205, the “Healthy Families and Workplace Act,” that requires employers to provide paid sick leave to employees for various circumstances. The bill is expected to be signed by the Governor and provided below is a summary of what will be required of employers.**

This memo covers the following:

## Updates

1. Colorado Healthy Families and Workplace Act

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## Risk Services – Workforce Absence Management

### *Update: Colorado Health Families and Workplace Act*

On June 15, 2020, the Colorado Legislation passed SB20-205, “The Healthy Families and Workplace Act,” that provides Colorado employees paid sick leave for various circumstances.

The Act provides two phased expansions:

- 1) On and after the effective date (when the bill is signed) and through December 31, 2020, all employers—regardless of size—are required to provide all employees Emergency Paid Sick Leave (EPSL) akin to what is required under the Family First Coronavirus Response Act (FFCRA). Whereas EPSL under FFCRA is intended for private employers with fewer than 500 employees, Colorado’s Act expands the requirements to employers with more than 500 employees. Since this expansion is Colorado-specific, any tax credits available under FFCRA likely do not apply to Colorado employers who now have to provide EPSL under this bill.
- 2) Starting January 1, 2021, all employers in Colorado will be required to provide paid sick leave to employees. Employees will be allowed to accrue one hour of paid sick leave for every 30 hours worked up to a maximum of 48 hours per calendar year.

As part of the 2021 paid sick leave requirements, employees are entitled to:

- begin accruing paid sick leave when their employment begins;
- may use paid sick leave as it is accrued; and
- may carry forward unused paid sick leave to be used in subsequent calendar years.

Employers may restrict the amount of paid sick leave used in one calendar year to the maximum 48 hours regardless of amounts carried over from previous years.

Paid sick leave may be used for the following reasons:

- The employee has a mental or physical illness, injury, or health condition; needs a medical diagnosis, care, or treatment related to such illness, injury, or condition; or needs to obtain preventive medical care;
- The employee needs to care for a family member who has a mental or physical illness, injury, or health condition; needs a medical diagnosis, care, or treatment related to such illness, injury, or condition; or needs to obtain preventive medical care;

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- The employee or family member has been the victim of domestic abuse, sexual assault, or harassment and needs to be absent from work for purposes related to such crime; or
- A public official has ordered the closure of the school or place of care of the employee's child or of the employee's place of business due to a public health emergency, necessitating the employee's absence from work.

Employers who already have implemented paid sick leave policy(ies) that meet(s) and/or exceed(s) the standards as required under this bill are not required to add additional time to their existing program(s) as they will have satisfied the accrual requirements under this bill. That said, the bill does require employers to provide additional time in the event of a declared public health emergency. In this case, employees who work 40 hours or more per week will receive an additional 80 hours. For employees who work less than 40 hours per week, the additional time provided will be **the greater of** the amount of time the employee is scheduled to work in a fourteen-day period or the actual amount of time the employee works on average in a fourteen-day period.